



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 991 OF 2024 (MV-D)

BETWEEN:

UNITED INDIA INSURANCE CO. LTD
REGIONAL OFFICE T.B HUB
5TH & 6TH FLOORS, KRISHI BHAVAN
HUDSON CIRCLE, OPP BBMP HEAD OFFICE
NRUPATUNGA ROAD, BENGALURU - 560 001
REPRESENTED BY
THE REGIONAL MANAGER
UNITED INDIA INSURANCE CO.LTD
REGIONAL OFFICE, 6TH FLOOR
KRISHI BHAVAN, NRUPATUNGA ROAD
HUDSON CIRCLE, BENGALURU - 560 027

...APPELLANT

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PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SMT. MANJULA NEMICHANDRA TEJASWI, ADVOCATE)

AND:

1. SMT. K.R GAYATHRIDEVI
W/O LATE NANJUNDESHWARA RAJ URS
AGED ABOUT 51 YEARS
2. KUM T.N RASHMI
D/O LATE NANJUNDESHWARA RAJ URS
AGED ABOUT 20 YEARS



BOTH ARE RESIDING AT
1ST WARD, BASAVESHWARA NAGARA
TURUVEKERE (RURAL), TURUVEKERE TALUK
TUMKUR DISTRICT - 572 101

3. SRI. M.N RAMAIAH
S/O M.C NANJUNDEGOWDA
AGE: MAJOR
R/AT MUTHUGHADAHALLI VILLAGE
VIZ MAYASANDRA, TURUVEKERE TALUK
TUMAKURU DISTRICT - 572 101
(R.C OWNER OF MARUTI 800 CAR BEARING
NO.KA-06-M-1946)

...RESPONDENTS

(BY SRI. MADHU M.T, ADVOCATE FOR R1 & R2,
NOTICE TO R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.10.2023 PASSED IN MVC
NO.2778/2022 ON THE FILE OF THE VIII ADDITIONAL SCJ
AND ACMM, MEMBER, MACT, BENGALURU, SCCH-5, AWARDED
COMPENSATION OF RS.47,86,724/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL
REALIZATION.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

1. The Insurer is in appeal questioning the quantum of
compensation awarded under the judgment and award dated
10.10.2023 passed in MVC.No.2778/2022 on the file of VII



Additional Judge & ACMM, Member, Motor Accident Claims Tribunal, Bengaluru (for short, "the Tribunal").

2. Brief facts of the case are that the claimants, wife and daughter of deceased Nanjundeshwara Raj Urs filed claim petition under Section 166 of the Motor Vehicles Act claiming compensation for the accidental death of Nanjundeshwara Raj Urs in a road traffic accident that occurred on 08.03.2022 involving the Hero Honda Passion Pro motorcycle bearing registration No.KA44-J-7134 and the Maruthi car bearing registration No.KA06-M-1946. The claimants stated that the deceased was working as a Government School Teacher drawing a salary of Rs.54,500/- per month and was aged 59 years as on the date of the accident.

3. The insurer on appearance filed written statement denying the entire claim petition averments and further stated that the rider of the motorcycle had no valid driving licence as on the date of accident and the claim of the claimants was exorbitant.



4. Claimant No.1 - wife of the deceased examined herself as PW.2 and since common evidence was recorded by clubbing claim petitions arising out of same accident, documents were marked as Exs.P1 to P33. The insurer examined RW.1 and marked documents as Exs.R1 to R3.

5. The Tribunal on appreciation of material on record awarded total compensation of Rs.47,86,724/- under the following heads along with interest at 6% p.a. from the date of petition till its realisation.

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	46,76,724
2.	Loss of Consortium	40,000
3.	Loss of Parental consortium	40,000
4.	Loss of estate	15,000
5.	Funeral expenses	15,000
	Total	47,86,724

6. While awarding the above compensation, the Tribunal assessed the income of the deceased at Rs.56,482/-, added 15% towards future prospects since deceased was a



Government Teacher and deducted 1/3rd towards personal expenses and applied multiplier of '9'.

7. The insurer is in appeal aggrieved by the quantum of compensation and contending that the Tribunal failed to apply split multiplier since the deceased was to retire at the age of 60 years.

8. Heard Smt.Manjula Nemichandra Tejaswi, learned counsel appearing for the insurer and Sri Madhu M.T., learned counsel appearing for claimants - respondents 1 and 2. Perused the entire appeal papers as well as Trial Court records.

9. Learned counsel for the insurer would contend that the deceased was a Government School Teacher and was aged 59 years as on the date of the accident and that he had only one year Government service left and in that view of the matter, the Tribunal ought to have applied split multiplier. However, she would submit that the Tribunal committed grave error in applying the multiplier of '9' considering the age of the deceased as 59 years. In support of her contentions, learned counsel would place reliance on the decision of the Co-ordinate



Bench of this Court in ***DIVISIONAL MANAGER, NATIONAL INSURANCE COMPANY LTD. Vs. VIJAYLAXMI AND OTHERS*** in MFA.No.200747/2017 and connected matters disposed of on 22.07.2021 and also on the decision of the Hon'ble Supreme Court in ***N.Jayasree & Others Vs. Cholamandalam MS General Insurance Company Ltd. - AIR Online 2021 SC 923***. Learned counsel would further submit that there is no evidence on record to consider that on retirement, the deceased would not earn the same income as he was earning as a Government Teacher and in the absence of any such evidence, the Tribunal is not justified in applying the multiplier of '9'. Thus, she would pray for allowing the appeal and for applying split multiplier.

10. Learned counsel for the claimants would support the judgment and award passed by the Tribunal and places reliance on the judgment of the Hon'ble Supreme Court in Civil Appeal arising out of SLP (C) Nos.9753-56/2025 dated 06.11.2025 in the case of ***PREETHA KRISHNAN & OTHERS VS. THE UNITED INDIA INSURANCE CO. LTD. & OTHERS*** to contend that split multiplier is a concept foreign to the Motor Vehicles



Act, 1988 and is not to be used by the Tribunal and/or Courts in calculation of the compensation. Thus, he would pray for dismissal of the appeal.

11. Having heard the learned counsel for the parties and on perusal of entire appeal papers including the Tribunal records, the only point that would arise for our consideration is -

Whether the Tribunal was justified in applying multiplier of '9' by rejecting the contention of the insurer to apply split multiplier?

The answer to the above point would be in the affirmative for the following reasons.

12. The fact that the accident occurred on 08.03.2022 involving the motorcycle bearing registration No.KA44-J-7134 and the Maruthi car bearing registration No.KA06-M-1946 and the accidental death of husband of claimant No.1 are not in dispute in this appeal, so also the coverage of insurance policy.

13. The only contention raised by the insurer is with regard to application of multiplier in respect of a Government servant who died at the age of 59 years. Learned counsel has placed



reliance on the two decisions referred to supra in support of her contention. We have gone through the evidence of PW.2, the wife of the deceased. PW.2 in her evidence has categorically stated that the deceased was working as a Teacher at Government School and was receiving salary of Rs.54,500/- per month. The insurer has failed to cross-examine PW.2 with regard to variance of income subsequent to retirement of a Government servant. In the absence of cross-examination in that regard, it is not open for the insurer either to contend that there is no material/evidence or to find fault with the Tribunal in applying the multiplier.

14. The recent judgment in ***Preetha Krishnan*** cited supra, the Hon'ble Supreme Court has made it clear that the concept of split multiplier is foreign to Motor Vehicles Act, and is not to be used by the Tribunal and/or Courts in calculation of compensation. Furthermore, the Hon'ble Apex Court has observed that when dealing with a beneficial legislation which relies on just compensation as its bedrock, it is most prudent to tread the path of certainty, insofar as practicable.



15. This is a frivolous appeal filed by the insurer with an intention to reopen the settled legal position. The insurer shall not try to reopen the settled legal issues. The concept of applying split multiplier is a settled one and it is unfortunate that the insurance company in this appeal has again come up with the application of split multiplier, though in several decisions, the Hon'ble Apex Court has made it clear that in view of the decision of Hon'ble Apex Court in ***NATIONAL INSURANCE COMPANY LTD. VS. PRANAY SETHI & OTHERS - AIR 2017 SC 5157***, the multiplier shall be applied considering the age of the deceased.

16. In view of the above, we are of the considered opinion that the appeal lacks merit and is accordingly ***dismissed***.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE